Checklist for:

**Summary Administration & Homestead Petition**

| Estate of: |
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| | File #: |  | Date: | |  | | --- | --- | --- | --- | --- | | Attorney: |  | |  |  | |

| Docket# | Item# | Date |  |
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|  |  |  | Certified copy of death certificate [731.103(1), 5.205(a)(3), 5.171(a)] |
|  |  |  | Petition verified [735.203(1)(a), 731.104, 5.530(a), 5.020] |
|  |  |  | Statement of interest of petitioner, petitioner’s name and address and name/address of  petitioner’s attorney. [5.530(a)(1), 735.203] |
|  |  |  | Petition signed and verified by surviving spouse, if any, AND all beneficiaries OR formal notice given to beneficiaries. [735.203, 5.530(a)] |
|  |  |  | Name and last known address of decedent, last 4 digits of decedent’s social security number, date and place of death of decedent and state and county of decedent’s domicile  [5.530(a)(2)] |
|  |  |  | List of surviving spouse and beneficiaries (describe beneficiary’s relationship to decedent and dob if minors), and addresses of each, [5.530(a)(3)] |
|  |  |  | Statement showing venue [5.530(a)(4)] |
|  |  |  | Statement whether domiciliary or principal proceedings are pending and, if known, the name and address of foreign personal representative and court issuing letters [5.530(a)(5)] |
|  |  |  | Statement that decedent’s Will, if any, does not direct administration [5.530(a)(6)] |
|  |  |  | Statement that value of estate (less value of exempt property) does not exceed $75K OR that decedent has been dead for more than 2 years. [5.530(a)(7)] |
|  |  |  | Legal description of all assets and estimated values of each with separate description of any protected homestead and exempt property [5.530(a)(8), 5.405(b)(4)] |
|  |  |  | Statement: Property inside or outside of a municipality [Fla. Const. Art. X, §4(a)(1)] AND Acreage is within constitutional requirements [Fla. Const. Art. X §4(a)(1)] |
|  |  |  | Statement that either: \_\_\_ All claims are barred OR \_\_\_ A diligent search for known or reasonably ascertainable creditors has been made and either the estate is not indebted or the claims will be paid or assumed by beneficiaries [5.530(a)(9), 735.206(2)]  assumed by beneficiaries [5.530(a)(9), 735.206(2)] |
|  |  |  | If creditors, have creditors consented to summary administration or received formal notice of homestead? [5.040, 731.302, 735.206(2)] |
|  |  |  | Petition alleges diligent search for creditors and penalties for failure to notify. [735.206(4)(d), 735.206(4)(e), 5.530(a)(9)] (if dead for less than 2 years) |
|  |  |  | If intestate, a statement that after diligent search petitioner is unaware of any unrevoked Will [5.530(a)(10)] |
|  |  |  | If testate, a statement identifying all unrevoked Wills and codicils being presented for probate and a statement each petitioner is unaware of any other unrevoked Will or codicil [5.530(a)11)] |
|  |  |  | Is there a Will? ( yes or no) If so, the Will is: \_\_ Self-proved [732.503, 733.201(1)],  \_\_\_ proved by Oath of Witness [733.201(2),(3)] OR \_\_\_ admitted to probate [5.210] |
|  |  |  | If testate, homestead devised as authorized by law [Fla. Const. Art. X §4(a)(1)]  If homestead not devised as authorized by law, descent determined under intestacy [732.401] |
|  |  |  | Court has jurisdiction over parties [“Homestead Made Easy – Part 3a, Rohan Kelly, Fla. Bar Journal, Jul/Aug 1995, pp 56, 57, either consents filed or formal notice given] [733.212(1)(d), 5.040]  5.040] |
|  |  |  | A schedule of proposed distribution of all assets and the person to whom each asset is to be distributed [5.530(a)(12)] |
|  |  |  | Order correctly describes the real property and determines whether any of the real property constituted protected homestead [5.405(c)] |
|  |  |  | Order correctly identifies benies’s name(s) and each respective benie’s interest in each asset [5.405(c), 5.530(d)] |

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| Comments: |
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